

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of
Michael L. Kogan-White, M.A., L.P.
License No LP2974

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Michael L. Kogan-White, M.A., L.P.
(Licensee), and the Minnesota Board of Psychology (Board) as follows:

1. During all times herein, Licensee has been and now is subject to the jurisdiction of the Board from which he holds a license to practice psychology in the State of Minnesota.

FACTS

2. For the purpose of this stipulation, the Board may consider the following facts as true:

a. From approximately November 17, 2006, to August 31, 2011, Licensee provided individual and couples therapy to Client # 1.

b. During the course of therapy with Client # 1, Licensee failed to make a treatment plan, stopped taking notes, came to sessions unprepared, exhibited difficulties remembering events and details, and failed to communicate to Client # 1 the goals of therapy or alternative options for therapy. Licensee also failed to recognize that Client # 1 was not benefitting from Licensee's professional services, failed to terminate those services, and failed to assist Client # 1 with obtaining alternative services.

c. On March 31, May 21, and June 14, 2010, Licensee incorrectly answered questions regarding Client #1's medications and prescribing practitioner on an Outpatient Treatment Report Form for Client # 1's insurance company for billing purposes.

d. On, or about, August 31, 2011, Licensee terminated services with Client #1, but Licensee failed to provide Client # 1 with a written termination of services and took approximately three (3) weeks to provide Client # 1 with a list of referral therapists.

e. On January 24, 2012, Client # 1 e-mailed Licensee requesting a copy of his complete file. Licensee failed to respond to Client # 1's request in a professional manner.

f. On, or about, February 24, 2012, Licensee sent Client # 1 his entire file. The file failed to fulfill the requirements of Minnesota Rule 7200.4750, subpart 1, including several sessions that contained no record at all.

g. Licensee and Client # 1 communicated via email on a number of occasions between December 2012 and January 2013. Licensee's emails to Client # 1 were unprofessional. On January 8, 2013, Licensee e-mailed Client # 1 admitting he did not have anything more in Client # 1's file and that he had become so exhausted from a medical condition he was unable to keep up with his record keeping. Licensee apologized for his last couple e-mails to Client # 1 and stated that he had been reacting out of fear.

REGULATIONS

3. The Board views Licensee's practices as described in paragraph 2 above to be in violation of statutes and rules enforced by the Board. Licensee agrees that the conduct cited above constitutes a violation of Minn. Stat. § 148.941, subd. 2(a)(3) (2012) and Minn. R. 7200.5700 (unprofessional conduct) (2011); Minn. Stat. § 148.941, subd. 2(a)(10) (inability to practice psychology with reasonable skill and safety due to any mental or physical illness or condition); Minn. R. 7200.4900 (failure to provide a client access to records); Minn. R. 7200.4900, subp. 1(a) (failure to maintain the minimally required data in a record); Minn. R. 7200.4900, subp. 6 (failure to terminate a professional relationship); Minn. R. 7200.5200, subp.

2 (failure to itemize fees for all services), and constitutes a reasonable basis in law and fact to justify the disciplinary action provided for in the order.

REMEDY

4. Upon this stipulation and all the files, records, and proceedings herein, and without further notice or hearing herein, Licensee does hereby consent that until further order of the Board, made after notice and hearing upon application by Licensee or upon the Board's own motion, the Board may make and enter an order as follows:

a. ***Participation in Health Professionals Services Program.***

1) Within 14 days after the effective date of this Order, Licensee shall enroll in Health Professionals Services Program ("HPSP") in the State of Minnesota for monitoring. Licensee shall provide HPSP with a copy of this Stipulation and Order at the time of enrollment. If the HPSP determines Licensee has a condition that warrants monitoring, Licensee must return the signed Participation Agreement to HPSP within 14 days of receiving the Participation Agreement from HPSP. Failure to meet either of these deadlines will be considered a violation of this Order.

2) Licensee shall be monitored by HPSP until HPSP determines Licensee is qualified to practice without conditions.

3) Licensee shall comply with all provisions of his HPSP Participation Agreement, including revisions subsequent to this Order. Licensee's failure to comply with his HPSP Participation Agreement shall be considered a violation of this Order.

b. ***Consultation.*** Licensee shall obtain consultation regarding record and file keeping within one month of the date this Stipulation and Consent Order is adopted by the Board and to continue for, at a minimum, 12 months thereafter. The consultant shall be approved in

advance by the Complaint Resolution Committee from a list of at least three names submitted to the Board office by Licensee. Licensee shall cause each consultant listed to submit a current vitae to the Board office for the Committee's review prior to its approval of a consultant. The Committee reserves the right to reject all names submitted by Licensee. If the Committee rejects any names submitted, the Committee may require that Licensee submit additional names as described above or the Committee may provide Licensee with the name of a consultant. Licensee shall have no previous personal or professional relationship with the consultant. The consultant shall submit a report to the Board every three months and at the time Licensee petitions to have this conditions removed from his license. The first report is due three months from the date consultation sessions begin, and all subsequent reports shall be submitted by the first day of the month in which they are due. Each report shall provide and/or address:

- 1) In the first report, a statement that the consultant has reviewed this Stipulation and Consent Order;
- 2) The dates on which consultations were held with Licensee;
- 3) Licensee's active participation in each consultation;
- 4) The issues discussed in each consultation;
- 5) The consultant's opinion as to Licensee's capacity to understand his professional role;
- 6) At the time Licensee petitions for removal of the conditions on his license, the consultant's assessment of Licensee's ability to conduct himself in a fit, competent, and ethical manner in the practice of psychology as well as whether Licensee exhibits an acceptable comprehension and knowledge of ethical issues encountered in practice; and

7) Any other information the consultant believes would assist the Board in its ultimate review of this matter.

c. ***Licensee's Own Reports.*** Licensee shall submit a report regarding the Consultation described in paragraph 4.b. to the Committee every three months and at the time Licensee petitions to have this condition removed from his license. The first report is due three months from the date consultation begins, and all subsequent reports shall be submitted by the first day of the month in which they are due. Each report shall provide and/or address:

- 1) A brief statement of the topics discussed at each consultation;
- 2) What Licensee has learned from the consultations, including his own statement as to his comprehension and knowledge of issues encountered in practice;
- 3) At the time Licensee petitions for removal of the conditions on his license, Licensee's reasons for believing he is capable of conducting himself in a fit, competent, and ethical manner in the practice of psychology; and
- 4) Any other information Licensee believes would assist the Board in its ultimate review of this matter.

5. If any due date required by this Stipulation and Consent Order is not met, the Committee may fine Licensee \$100 per violation. Licensee shall pay the fine and correct the violation within five days after service on Licensee of a demand for payment and correction. If Licensee fails to do so, the Committee may impose additional fines not to exceed \$500 per violation. The total of all fines may not exceed \$5,000. Licensee waives the right to seek review of the imposition of these fines under the Administrative Procedure Act, by *writ of certiorari* under Minn. Stat. § 480A.06, by application to the Board, or otherwise. Neither the imposition

of fines nor correction of the violation will deprive the Board of the right to impose additional discipline based on the violation.

6. Licensee is responsible for all costs incurred as a result of compliance with this Stipulation and Consent Order.

7. No condition imposed as a remedy by this Stipulation and Consent Order, including conditions directly related to a restriction, shall be used as a continuing education activity for the purpose of renewal of Licensee's license to practice psychology, unless it is specifically stated in this Stipulation and Consent Order that the condition may be used for this purpose.

8. All reports shall cover the entire reporting period and provide the bases upon which conclusions were drawn.

9. The Board or its authorized representatives shall have the right to discuss Licensee's condition with and obtain records from any person with whom Licensee has contact as a result of his compliance with this Stipulation and Consent Order or as a result of his being examined or his obtaining treatment, counseling, or other assistance on his own initiative or otherwise. Licensee shall execute releases and provide any health record or other waivers necessary for submission of the reports referenced in the stipulation, to enable the Board to obtain the information it desires, and to authorize the testimony of those contacted by the Board in any proceeding related to this matter.

10. Licensee shall also execute releases allowing the Board to exchange data related to this Stipulation and Consent Order with Licensee's supervisor, therapist, consultant, and any other professional Licensee contacts in order to comply with this Order.

11. Upon completion of all terms, provisions, and conditions of this Stipulation and Consent Order, Licensee may petition the Board to remove the conditions on his license. The Board may, at any regularly scheduled meeting at which Licensee has made a timely petition, take any of the following actions:

- a. Remove the conditions attached to the license of Licensee;
- b. Amend the conditions attached to the license of Licensee;
- c. Continue the conditions attached to the license of Licensee upon his failure to meet his burden of proof; or
- d. Impose additional conditions on the license of Licensee.

12. In the event Licensee resides or practices outside the State of Minnesota, Licensee shall promptly notify the Board in writing of the location of his residence and all work sites. Practice outside of Minnesota will not be credited toward any period of Licensee's suspended, limited, conditioned, or restricted license in Minnesota unless Licensee demonstrates to the satisfaction of the Board that the practice in another jurisdiction conforms completely with Licensee's Minnesota licensure requirements to practice psychology.

13. If Licensee shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Committee shall schedule a hearing before the Board. The Committee shall mail Licensee a notice of the violation alleged by the Committee and of the time and place of the hearing. Licensee shall submit a response to the allegations at least three days prior to the hearing. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Licensee may submit affidavits made on personal knowledge and argument based on the record in support of their

positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Licensee waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Licensee's practice, or suspension, or revocation of Licensee's license.

14. This stipulation shall not in any way limit or affect the authority of the Board to temporarily suspend Licensee's license under Minn. Stat. § 148.941, subd. 3, or to initiate contested case proceedings against Licensee on the basis of any act, conduct, or omission of Licensee justifying disciplinary action occurring before or after the date of this Stipulation and Consent Order which is not related to the facts, circumstances or requirements referenced herein.

15. In the event the Board at its discretion does not approve this settlement or a lesser remedy than indicated in this settlement, then, and in that event, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party to this stipulation, except that Licensee agrees that should the Board reject this stipulation and this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating to this matter.

16. Any appropriate court may, upon application of the Board, enter its decree enforcing the order of the Board.

17. Licensee has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Licensee is represented by Thomas A. Pearson, Esq.,

Pearson Quinlivan PLC, 1339 County Road D Circle East, Maplewood, MN 55109. The Committee is represented by Sara P. Bocshans, Assistant Attorney General.

18. Licensee waives all formal hearings on this matter and all other procedures before the Board to which Licensee may be entitled under the Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

19. Licensee hereby knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, the State of Minnesota and their agents, employees and representatives which may otherwise be available to Licensee under the Americans With Disabilities Act or the Minnesota Human Rights Act relative to the action taken or authorized against Licensee's license to practice psychology under this stipulation.

20. Licensee hereby acknowledges that he has read, understands, and agrees to this stipulation and has freely and voluntarily signed the stipulation without threat or promise by the Board or any of its members, employees, or agents. When signing the stipulation, Licensee acknowledges he is fully aware the stipulation is not binding unless and until it is approved by the Board. The Board may either approve the Stipulation and Consent Order as proposed, approve the Stipulation and Consent Order subject to specified change, or reject it. If the changes are acceptable to Licensee, the stipulation will then take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the stipulation, it will be of no effect except as specified herein.

21. This Stipulation and Consent Order constitutes a disciplinary action against Licensee.

22. This Stipulation and Consent Order is a public document and will be sent to all appropriate data banks.

23. This stipulation contains the entire agreement between the parties there being no other agreement of any kind, verbal or otherwise, which varies this stipulation.

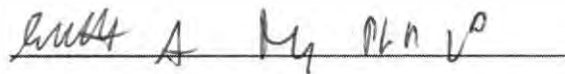
BOARD OF PSYCHOLOGY

COMPLAINT RESOLUTION
COMMITTEE


MICHAEL KOGAN-WHITE, M.A., L.P.

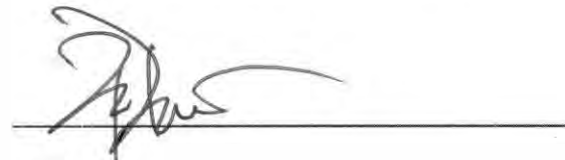
Licensee

Dated: 8/26/2014



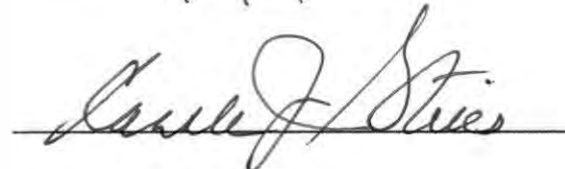
Committee Chair

Dated: 9/24/14



Committee Member

Dated: 9/26/14



Committee Member

Dated: 8/26/14

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the license of Licensee is placed in a CONDITIONAL status and that all other terms of this stipulation are adopted and implemented by the Board this

20th day of September 2014

MINNESOTA BOARD
OF PSYCHOLOGY


ANGELINA M. BARNES
Executive Director